

## **REMARKS**

Claims 14-41 are now pending in the application. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 103**

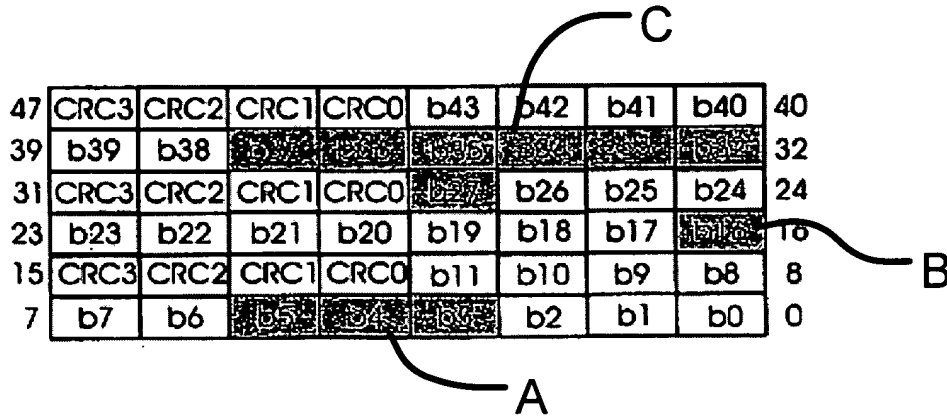
Claims 14-16, 18, 19, 24-26, 28, 29, 31-35, 37, 38, 40, and 41 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aruga (U.S. Pub. No. 2003/0097525) in view of Budd et al (U.S. Pat. No. 7,003,702). This rejection is respectfully traversed.

With respect to claim 14, Aruga, either singly or in combination with Budd, fails to show, teach, or suggest a queue module that stores data lengths and data start addresses of first and second data segments and a read assembly module that reads a plurality of data blocks and extracts data segments from the read plurality of data blocks based on the data lengths and data start addresses.

It is a longstanding rule that to establish a prima facie case of obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 143 (CCPA 1974), see MPEP §2143.03. Furthermore, when evaluating claims for obviousness under 35 U.S.C. §103, all of the limitations must be considered and given weight. *Ex parte Grasselli*, 231 USPQ 393 (Bd. App. 1983), MPEP § 2144.03. Here, the alleged combination fails to disclose the limitations of i) reading a plurality of data blocks and ii) extracting data segments from the read plurality of data blocks based on the data lengths and data start addresses.

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As shown in an exemplary embodiment in FIG. 2 of the present application, a buffer 111 stores data segments A, B, and C as shown below:



The read assembly module reads a plurality of data blocks that include, for example, data segment A. The read assembly module reads the plurality of blocks beginning at data block 0 and ending at data block 15 (i.e. 16 blocks of data) from the buffer 111. The read assembly module extracts data segment A from the read plurality of data blocks based on a data start address and a data length stored in a queue module.

In other words, the read assembly module reads the entire 16 blocks of data, including the CRC data in blocks 12-15, and then subsequently extracts the data segment A based on the stored start address and the data length. Similarly, the read assembly module reads the 16 blocks of data beginning at data block 16 and ending at data block 31 and extracts the data segment B based on the stored start address and the data length.

The alleged combination of Aruga and Budd appears to be absent of any teaching or suggestion of this structure. The Examiner acknowledges that Aruga fails to disclose a queue module that stores data lengths and data start addresses of first and second data segments. As such, Aruga at least fails to disclose i) reading a plurality of

data blocks and ii) extracting data segments from the read plurality of data blocks based on the data lengths and data start addresses.

Applicants respectfully submit that Budd also appears to be absent of any teaching or suggestion of this limitation. For example, the Examiner notes that Column 23, Lines 23-37 of Budd disclose a queue module that stores data lengths and data start addresses of first and second data segments. The cited portion of Budd states:

Referring now to FIG. 20, shown is an example of an embodiment 900 of a scatter-gather list. A scatter-gather list may be implemented as an array as shown here, a linked list or other equivalent data structures as known to those skilled in the art. In this particular embodiment, an array may include one or more entries in which each entry includes information referencing a particular portion of memory. In particular, an entry includes a PTR field 902a a size field 902b and other information may also be included. The PTR field 902a may be a pointer or an address to a particular buffer area of memory. **Size field 902b indicates the size of the buffer portion identified by the address in the field 902a PTR.** Using this particular data structure, the actual physical location of data or memory locations associated with a logical data buffer may be represented. (Emphasis added)

Initially, Applicants respectfully note that the cited portion does not disclose storing **data lengths of first and second data segments**. In contrast, the cited portion appears to disclose storing **a size of the buffer portion identified by an address**. A size of a buffer portion is not analogous to a data length of a data segment within the buffer portion. For example, a buffer portion may include 16 data blocks and the data length of a data segment in that buffer portion may be 3 data blocks.

Further, the cited portion does not disclose reading a plurality of data blocks and extracting data segments from the read plurality of data blocks based on the stored data lengths and data start addresses. As described above, Applicants' claim 14 is directed to i) **reading a plurality of data blocks**, and ii) **extracting data segments from the**

**read plurality of data blocks** based on the data lengths and data start addresses.

Neither the cited portion nor any other portion of Budd appears to disclose or suggest reading a plurality of data blocks from a memory and extracting data segments from the read plurality of data blocks as claim 14 recites.


Applicants respectfully submit that claim 14, as well as its dependent claims, should be allowable for at least the above reasons. Claims 24 and 33, as well as their corresponding dependent claims, should be allowable for at least similar reasons.

## CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 5, 2007

By:   
Damian M. Aquino  
Reg. No. 54,964

HARNESS, DICKEY & PIERCE, P.L.C.  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,786	01/21/2004	Theodore C. White	MP0795	3539

26703 7590 08/17/2006

HARNESSE, DICKEY & PIERCE P.L.C.  
5445 CORPORATE DRIVE  
SUITE 400  
TROY, MI 48098

EXAMINER

SUN, SCOTT C

ART UNIT	PAPER NUMBER
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2182

DATE MAILED: 08/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

S059-000442 JMW



Commissioner for Patents  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
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DATE MAILED:

**NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)**

The request for continued examination (RCE) under 37 CFR 1.114 filed on \_\_\_\_\_ is improper for reason(s) indicated below:

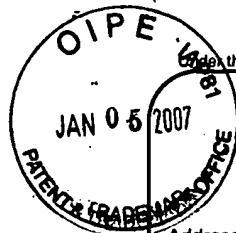
- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☒ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on \_\_\_\_\_. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☐ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

**Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Inez McMillian, Examining Group 2107  
571-272-3605

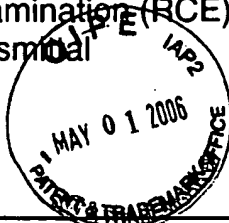


05-02-06

RCE  
JPW

Request  
For  
Continued Examination (RCE)  
Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450



Application Number	10/761,786
Filing Date	January 21, 2004
First Named Inventor	Theodore C. White
Art Unit	2182
Examiner Name	Scott Sun
Attorney Docket Number	MP0795

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☐ Other \_\_\_\_\_

- b. ☒ Enclosed

- i. ☒ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-0750  
i. ☒ RCE fee required under 37 C.F.R. 1.17(e) | 05/04/2006 BABRAHA1 00000054 10761786  
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17) | 01 FC:1801 790.00 0  
iii. ☒ Other Any deficiency for a fee required under 37 C.F.R. 1.16 or 1.17  
b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed  
c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print /Type)	Michael D. Wiggins	Registration No. (Attorney/Agent)	34, 754
Signature	<i>Michael D. Wiggins</i>	Date	May 1, 2006

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Diane M. Schmidt	Express Mail Label No.	EV 853 856 216 US
Signature	<i>Diane M. Schmidt</i>	Date	May 1, 2006


This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

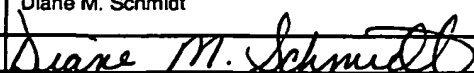
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/761,786
	Filing Date	January 21, 2004
	First Named Inventor	Theodore C. White
	Art Unit	2182
	Examiner Name	Scott Sun
Total Number of Pages in This Submission		Attorney Docket Number MP0795

ENCLOSURES (check all that apply)				
<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC)  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  <b>Credit Card Payment Form for \$1190.00; Request For Continued Examination; 12 Page Preliminary Amendment and Return Receipt Postcard.</b>		
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; padding: 5px;">Remarks</td> <td style="padding: 5px;">           The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.         </td> </tr> </table>			Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.
Remarks	The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.			

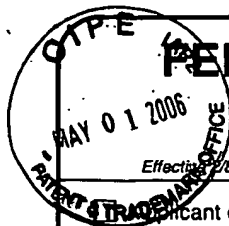
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael D. Wiggins	Reg. No. 34,754
Signature			
Date	May 1, 2006		

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Typed or printed name	Diane M. Schmidt	Express Mail Label No.	EV 853 856 216 US
Signature		Date	May 1, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# **FREE TRANSMITTAL for FY 2006**

Effective 9/8/2006. Patent fees are subject to annual revision.

Significant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$) **1190**

## **Complete if Known**

Application Number	10761,786
Filing Date	January 21, 2004
First Named Inventor	Theodore C. White
Examiner Name	Scott Sun
Art Unit	2182
Attorney Docket No.	MP0795

## **METHOD OF PAYMENT (check all that apply)**

☐ Check ☒ Credit card ☐ Money ☐ Other ☐ None  
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Deposit Account Name **Harness, Dickey & Pierce, PLC**

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## **FEE CALCULATION**

### **1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1011	300	2011	150	Utility filing fee	
1012	200	2012	100	Design filing fee	
1013	200	2013	100	Plant filing fee	
1014	300	2014	150	Reissue filing fee	
1005	200	2005	100	Provisional filing fee	

**SUBTOTAL (1)** (\$) **0**

### **2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	<b>28</b>	-20 **	=	<b>8</b>	X	Fee from below	=	<b>400</b>
Independent Claims	<b>3</b>	-3 **	=	<b>0</b>	X	200	=	<b>0</b>
Multiple Dependent							=	<b>0</b>

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	50	2202	25	Claims in excess of 20	
1201	200	2201	100	Independent claims in excess of 3	
1203	360	2203	180	Multiple dependent claim, if not paid	
1204	200	2204	100	** Reissue independent claims over original patent	
1205	50	2205	25	** Reissue claims in excess of 20 and over original patent	

**SUBTOTAL (2)** (\$) **400**

\*\*or number previously paid, if greater; For Reissues, see above

## **FEE CALCULATION (continued)**

### **3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	120	2251	60	Extension for reply within first month	
1252	450	2252	225	Extension for reply within second month	
1253	1020	2253	510	Extension for reply within third month	
1254	1,590	2254	795	Extension for reply within fourth month	
1255	2,160	2255	1080	Extension for reply within fifth month	
1401	500	2401	250	Notice of Appeal	
1402	500	2402	250	Filing a brief in support of an appeal	
1403	1000	2403	500	Request for oral hearing	
1452	500	2452	250	Petition to revive - unavoidable	
1453	1500	2453	750	Petition to revive - unintentional	
1462	400	1462	400	Petition fee under 37 CFR 1.17(f)	
1463	200	1463	200	Petition fee under 37 CFR 1.17(g)	
1464	130	1464	130	Petition fee under 37 CFR 1.17(h)	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	<b>790</b>

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** (\$) **790**

### **4. SEARCH/EXAMINATION FEES**

1111	500	2111	250	Utility Search Fee	
1112	100	2112	50	Design Search Fee	
1113	300	2113	150	Plant Search Fee	
1114	500	2114	250	Reissue Search Fee	
1311	200	2311	100	Utility Examination Fee	
1312	130	2312	65	Design Examination Fee	
1313	160	2313	80	Plant Examination Fee	
1314	600	2314	300	Reissue Examination Fee	

**SUBTOTAL (4)** (\$) **0**

## **SUBMITTED BY**

Name (Print/Type)	Michael D. Wiggins	Registration No. (Attorney/Agent)	34,754	Telephone	(248) 641-1600
Signature		Date	May 1, 2006		

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